



APPLICANT: JPJ Developers, Inc.

770-590-1506

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: Estate of R. Harold Lemmond, Estate of Mary W.

Lemmond, Suzanne L. and Don Wallace Brown

PROPERTY LOCATION: Located at the northeasterly intersection  
of Blairs Bridge Road and Oak Ridge Road.

ACCESS TO PROPERTY: Blairs Bridge Road and Oak Ridge  
Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

#### CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RA-6/ Ridge Pointe subdivision  
SOUTH: GC, PRD/ Texaco, Ambercrest subdivision  
EAST: RM-12/ single-family house  
WEST: GC, R-20/ Nursing home, single-family houses

PETITION NO: Z-184

HEARING DATE (PC): 12-05-06

HEARING DATE (BOC): 12-19-06

PRESENT ZONING: NS

PROPOSED ZONING: RM-8

PROPOSED USE: Townhouse Style  
Condominiums

SIZE OF TRACT: 6.25 acres

DISTRICT: 18

LAND LOT(S): 485, 486, 516, 517

PARCEL(S): 2, 9, 1

TAXES: PAID X DUE       

COMMISSION DISTRICT: 4

OPPOSITION: NO. OPPOSED        PETITION NO:        SPOKESMAN       

#### PLANNING COMMISSION RECOMMENDATION

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

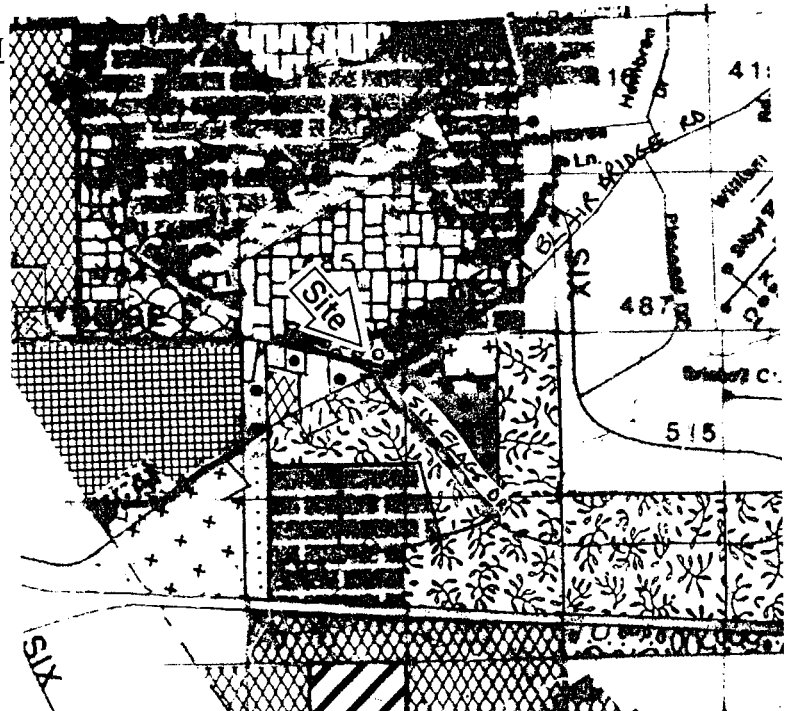
#### BOARD OF COMMISSIONERS DECISION

APPROVED        MOTION BY       

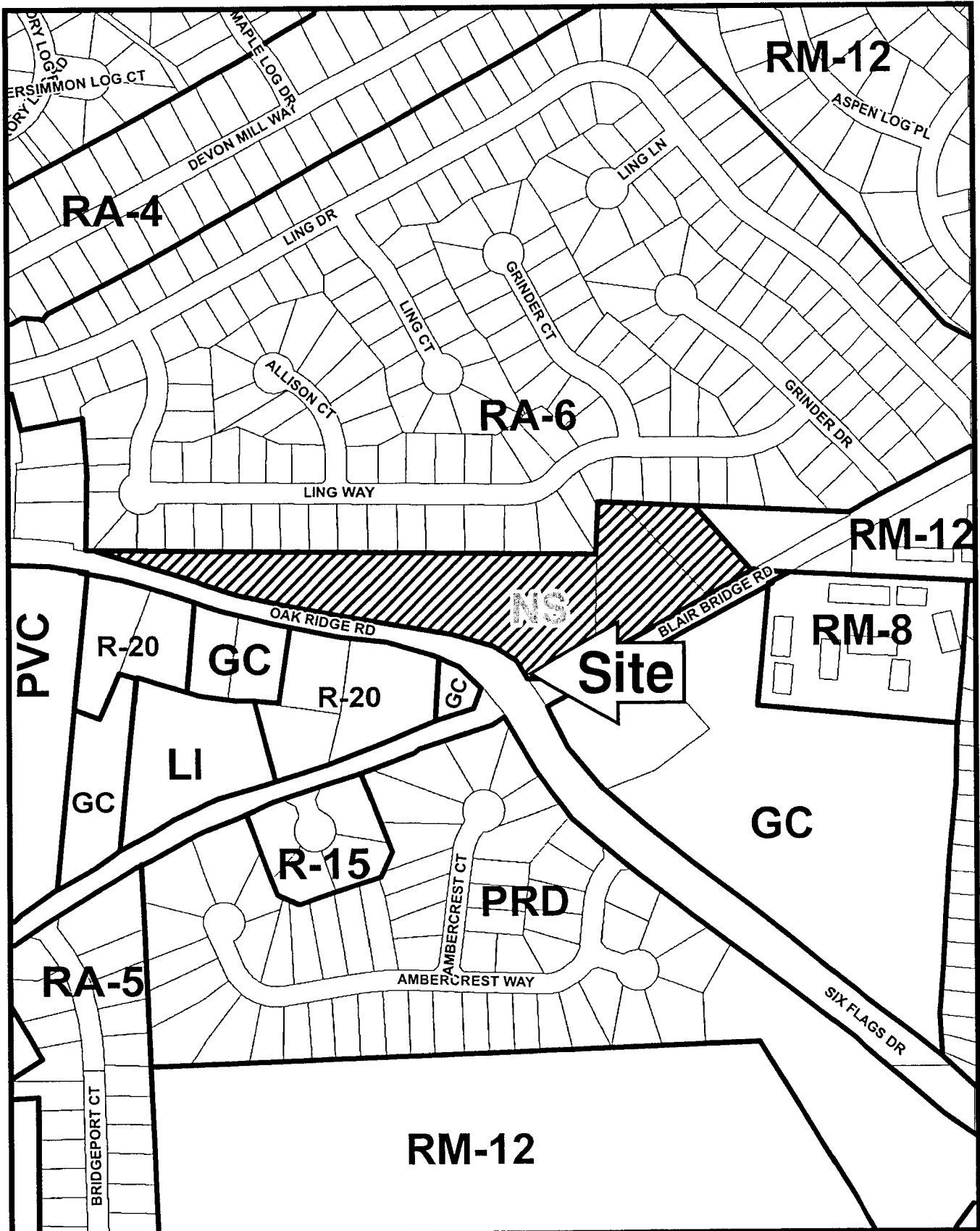
REJECTED        SECONDED       

HELD        CARRIED       

STIPULATIONS:



# Z-184



This map is provided for display and planning purposes only. It is not meant to be a legal description.

200 0 200 Feet



Draft Parcel Boundary  
Approximate Zoning Boundary

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PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Units: 50 Overall Density: 8 Units/Acre

Present Zoning Would Allow: 0 Units Increase of: 50 Units/Lots

The applicant is requesting the RM-8 zoning district to develop a townhouse-style condominium community. The homes would be a minimum of 1,650 square-feet, and would start selling in the high \$100,000's. The buildings would be traditional in styling with brick on three sides. The buildings would be two-stories in height, and each unit would have an attached one-car garage.

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 50-feet to 30-feet;
2. Reduce the rear setback from 40-feet to 35-feet;

**Historic Preservation:** After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

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SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Bryant Elementary	896	Under	
Lindley Middle	1,402	Over	
Pebblebrook High	1,916	Over	

\* School attendance zones are subject to revision at anytime.

Additional Comments:

Approval of this rezoning could adversely impact enrollment at Lindley Middle.

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FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
  - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
  - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

Additional Comments:

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NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development? ☒ Yes ☐ No

Fire Flow Test Required? ☒ Yes ☐ No

Size / Location of Existing Water Main(s): 8" CI / S side Oak Ridge Rd

Additional Comments: Also, 8" CI / S side Blairs Bridge Rd. Master meter to be at an entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:**

In Drainage Basin? ☒ Yes ☐ No

At Development? ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: 150' N / Ling Way

Estimated Waste Generation (in G.P.D.): **A D F** 20,000 **Peak** 50,000

Treatment Plant: S Cobb

Plant Capacity Available? ☒ Yes ☐ No

Line Capacity Available? ☒ Yes ☐ No

Projected Plant Availability: ☒ 0 - 5 year ☐ 5 - 10 years ☐ over 10 years

Dry Sewers Required? ☐ Yes ☒ No

Off-site Easements Required? ☒ Yes\* ☐ No

Flow Test Required? ☐ Yes ☒ No

Letter of Allocation issued? ☐ Yes ☒ No

Septic Tank Recommended by this Department? ☐ Yes ☒ No

Subject to Health Department Approval? ☐ Yes ☒ No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

If easements not obtainable, it may be possible to connect W down Oak Ridge Rd, then N on Ivy Log Rd to Ling Dr, 800 ft apprx.

Sewer extension by developer required to upper property line

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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<b>DRAINAGE COMMENTS</b>
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FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Gordon Creek FLOOD HAZARD INFO:

- ☐ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- ☐ Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- ☒ Potential or Known drainage problems exist for developments downstream from this site.
- ☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☒ Minimize runoff into public roads.
- ☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☒ Stormwater discharges through an established residential neighborhood downstream.
- ☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system and existing detention pond (Ridge Pointe S/D).

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DRAINAGE COMMENTS CONTINUED
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SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown \_\_\_\_\_
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. This entire site drains to the north through an existing single-family residential subdivision (Ridge Pointe). Besides an existing downstream receiving headwall near the west end of the site, there are two other existing receiving headwalls at the rear of Units 14 and 27 within Ridge Pointe S/D. The proposed plan utilizes a single detention pond which will require the allowable discharge to be based on the existing contributing drainage area at the discharge point. Because this area is only approximately 1/3 of the total site area, the required storage volume will be significant. It may become necessary to provide an additional detention pond at the northeast corner of the site behind Units 27 & 28. As mentioned previously, there is an existing downstream drainage system to discharge to at this location. This must be addressed at Plan Review.



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### TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Blairs Bridge Road	7100	Minor Collector	35 mph	Cobb County	60'
Oak Ridge Road	8900	Major Collector	35 mph	Cobb County	80'

*Based on 2004 traffic counting data taken by Cobb County DOT. (Blairs Bridge Road)*  
*Based on 2004 traffic counting data taken by Cobb County DOT. (Oak Ridge Road)*

### COMMENTS AND OBSERVATIONS

Blairs Bridge Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Oak Ridge Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk curb and gutter along both road frontages.

As necessitated by this development for egress from Blairs Bridge Road and Oak Ridge Road, a deceleration lane and a left turn lane will be required at each access point.

### RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Blairs Bridge Road, a minimum of 30' from the roadway centerline and b) donation of right-of-way on the north side of Oak Ridge Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along both road frontages.

Recommend a deceleration lane and a left turn lane at each access point.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### **Z-184            JPJ DEVELOPERS, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties, if the density were lower. The proposal is located in an area that contains cluster houses, commercial property, and townhouse condominiums.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property, if developed in manner that is compatible with the detached residential uses in the area. At a lower density, the applicant's proposal may provide for a better transition in zoning then the current zoning category of NS.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system has expressed concerns regarding the proposal.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Community Activity Center (CAC). CAC's do allow for "higher density residential uses" to serve as a transitional use between higher intensity uses and adjacent residential uses. This text is found in the *Cobb County Comprehensive Plan*. Staff has generally recommended that residential transitional uses in CAC's be no more than five-units-per-acre. County Staff believes that five-units-per-acre is the most intensity, and residential density acceptable to place at the end of an activity center, or adjacent to single-family houses. The proposed density is 8.0 units per acre.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal to RA-5, with a lower density with a detached product. While the *Cobb County Comprehensive Plan* allows higher density residential uses to serve as transitional uses, the *Plan* also encourages new development to be developed similar to existing residential uses, to preserve the character and stability of the area. The area to the north contains single-family detached houses, which this proposal should be compatible. The majority of the property on the north side of Blairs Bridge Road and Oak Ridge Road is lower intensity than the south side of both roads. Developing this property with a detached product at five or less units per acre would be more compatible with the area, and provide a reasonable transition in intensity.

Based on the above analysis, Staff recommends DELETION TO RA-5, subject to:

- Maximum of five units per acre;
- Site plan approval by District Commissioner;
- Fire Department comments;
- Historic Preservation comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**